

LOCKE, RELIGION, MORALITY, LAW AND STATE

A Research Paper

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LOCKE, RELIGION, MORALITY, LAW AND STATE – A LOCKEAN EXPLORATION OF  
THE CONSTITUTIONAL COVENANTAL RELATIONSHIP OF LEGAL POSITIVISM AND  
NATURAL LAW

John Locke, both an English gentleman and a physician of the 18<sup>th</sup> century, is known for his many political contributions. Although scholars disagree to the size of their influence, the American and English experiments in limited government, constitutionalism, and religious tolerance are surely, if anything, indirect influences of Locke's political thoughts. Of Locke, Jefferson claimed him among Bacon and Newton as the "three greatest men that have ever lived, without any exception, and as having laid the foundation of those superstructures which have been raised in Physical and Moral sciences."<sup>1</sup> Surely, Jefferson's words are made evident in his writings, where we find Locke's 'life, liberty, and property' converted in Jefferson's *Declaration of independence* as 'life liberty and happiness.'<sup>2</sup> This is also evident in a larger perspective regarding the amount of times Locke was quoted by the Founding Fathers in their political writings, coming in forth place in frequency of citation behind St. Paul<sup>3</sup>, Montesquieu, and Blackstone (in that order).<sup>4</sup> We can then say with no hesitation that in the least, Locke has been

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<sup>1</sup> Jefferson, Thomas. *Thomas Jefferson to John Trumbull (1756-1843)*. Library of Congress, < <http://www.loc.gov/exhibits/treasures/trm033.html> >. "Bacon, Locke and Newton, whose pictures I will trouble you to have copied for me: and as I consider them as the three greatest men that have ever lived, without any exception, and as having laid the foundation of those superstructures which have been raised in the Physical & Moral sciences." Also note the blasphemous affection displaced by Jefferson's hand-drawing equating the three to a trinity. <http://www.loc.gov/exhibits/treasures/trm033.html>

<sup>2</sup> See Locke's *Second Treatise*.

<sup>3</sup> I would like to note, give my experience of academically studying Political Science and Theory, that the frequency of citation of Paul is incredibly disproportioned with the various other voices attributed to influencing the conversation amongst the American Founders. This is not surprising.

<sup>4</sup>Lutz, Donald S. "The Relative Importance of European Writers on Late Eighteenth Century American Political Thought." *American Political Science Review* (1984): 189-97.

influential in both his epistemological and political conclusions. In addition, we can also say that the scholarly writings on the subject of Locke and his political theory are immense. The last 60 or so years have seen a specific Renaissance with the publishing of recently discovered letters.<sup>5</sup> Locke has also been fondly claimed by a rising libertarian segment in American society, which has experienced recent growth and popularity, furthered by such grassroots anomalies such as the Tea Party. It is with this admission that Lockean literature has not been shy of voluminous additions of Locke's philosophy, political theory, and even political theology. However, difficulty associated with finding Baptist perspectives on Locke and his philosophies is surprising.<sup>6</sup> How so? Locke seems to have certain aspects of his philosophy that seemingly should appeal to Baptist thought. Three of these very ideas are found within tradition Baptist ecclesiology. The emphasis of freedom of the conscious, separation of church and state, and the role of coveting to form autonomous churches all seem to have some positive reflection in Locke's ideas of the rejection of innate knowledge, the toleration of religion, and the social contract. This paper does not affirm these to be directly influenced by one thought over the other, nor to even treat the issue of Baptist ecclesiology. Rather, it is mentioned to simply open an expedition with perceivable similarities in ideas. As for the purpose of this paper, it will focus more on Locke's insights into religion, morality, and law, and what these can tell us about a Lockean concept of the state that is outside the usual scholarly musing of his political treatises. With such an exploration in mind, this paper shall determine what contribution, if any, this Lockean concept of religion, morality, law, and state can make to the age-old alleged

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<sup>5</sup> See Locke's *Essays on the Law of Nature*, ed. W. von Leyden, Oxford: Clarendon Press, 1954, 123, 125, 137, 143, 145.

<sup>6</sup> There has also been some blame to attribute to Locke quotes improperly attributed to him that speak of a fondness for Baptists. See Conrad Henry Moehlman's "The Baptists Revise John Locke," *JSTOR: The Journal of Religion*, Vol. 18, No. 2, April. 1938: 174-182.

controversy of legal positivism and natural law as conflicting opposites in jurisprudence. Rather, it will come to show how Locke's ideas allow for both on grounds of a relational understanding rooted in a Covenantal Constitutionalism. However, before such an investigation is to be performed with any depth, it is best to start with the man John Locke, and in which period of history we find him.

### **Locke's Historical Background**

With any investigation into the ideas of a man, it is most useful to examine his surrounding environmental and historical circumstances. Usually we find history's greatest thinkers busily responding to the various problems and philosophies of their day. It is no surprise that such an influential character as Locke be situated in a unique historical setting. During the 17th century Locke would live during a time in England where "the intellectual and scientific world, the political and economic world, change farther and faster than any of his forefathers had done."<sup>7</sup> During the time Locke was growing up in the 1640s, England was ripe with extraordinary conflict. The Crown and Parliament were ensnared in a vicious struggle for control, coincided by the religious conflict between Anglicans, Catholics, and Protestant dissenters. This bubbling climate boiled over into civil war, leading to the defeat of Charles I in the 1650s. This resulted with the abolishment of the Monarch, the House of Lords, and the Anglican Church. It wasn't until the death of the Protectorate Oliver Cromwell in 1688 that the monarchy was restored under Charles the II. As expected, the return was ripe with additional conflicts and debates between the king and parliament, as well as the toleration of protestant dissenters and Catholics. It is in English 17th century history that a climax is reached with the

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<sup>7</sup> Laslett, Peter. *John Locke, Two Treatises of Government*. Cambridge, 1970: 16.

Glorious Revolution of 1688, whereas James II was driven from England and replaced by William of Orange. With such a brief summary of the historical conditions of Locke's life recounted, two themes are worth further highlighting. The first is the immense importance of the Glorious Revolution.<sup>8</sup> Over 100 years of conflict between the Monarchy and the Parliament finally concluded with the triumph of parliament, which set the political path of both England and its colonies. The second is the various struggles and political questions to be experienced and answered by Locke. These questions included the back and forth of persecution and intolerance, as well as the arrival of the New Sciences, Empiricism, and a rejection among English intellectuals of the scholastic Aristotelian curriculum. With this in mind, a focusing can be placed on the personal life of John Locke.

### **Locke's Personal Background**

In 1632, Locke was born in the town of Wrington to Puritan parents who lived comfortably.<sup>9</sup> In the year 1647 he was sent to Westminster School in London, and after graduation he attended Christ Church in Oxford. Locke nearly became an Anglican priest, and instead decided to pursue botany through a Studentship reserved for those pursuing medicine. It was also around this time that Locke experienced a part in the "upsurge of interest in 'natural philosophy' at Oxford, which was so soon to give also come rise to the Royal Society, and was associated with Boyle."<sup>10</sup> It has also been learned that philosophy was not initially a prime area

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<sup>8</sup> *Ibid.* 16

<sup>9</sup> *Ibid.*, 18: "Down in Somerset his father, John Locke senior, was a late Captain in the parliamentary armies, the second in line of a family recently risen to gentle rank by the exertions and good fortunes of its members... A Calvinist attorney, Locke's father was, and Clerk to the Justices of Somerset, dependent for patronage on a much more powerful parliamentarian family, the Pophams,"

<sup>10</sup> *Ibid.* 19

of interest for Locke.<sup>11</sup> From the various collections of his letters describing his early activities and interests, it has been learned that they were mainly political.<sup>12</sup> As Lockean scholar Peter Laslett acknowledges, "his correspondence, his reading, his notes and his sketches show that he was first concerned with the authority of the state in religion, then with the Natural Law which sanctioned that authority, and with the basis of Natural Law in experience."<sup>13</sup> Laslett also notes an interesting contrast between these early political works and the positions later to be taken in Locke's *Second Treatise*.<sup>14</sup> He points out how these political works took a surprisingly "traditionalist and authoritarian tone," whereas Locke argued "the power of the magistrate is necessarily absolute because the nature of civil society requires it."<sup>15</sup> Locke's experience with the chaotic months between Protectorate Cromwell's death and the Glorious Revolution likely had an impact on such later writings as his *Second Treatise* (Curtis 359).<sup>16</sup> In 1667, Locke would find himself pulled from his studies by the politically charged Lord Ashley, later First Earl of

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<sup>11</sup> It is also interesting to note that an inclusion of religious interests surrounds Locke's life. He was raised in a Puritan home, and nearly became an Anglican Priest with his studies. Philosophy then took a central component in the middle of his life, only to be curtailed by a focus in theology in his later life. Such an interest in his old age can be seen in his various exchanges with Newton.

<sup>12</sup> *Ibid.* 19: "his first work written for publication was a polemical tract on the Civil Magistrate... His addresses as a college official, especially as a Censor of Moral Philosophy in 1664, have similarly survived, and they are concerned with Natural Law. The surprising thing is that his attitude to politics then was traditionalist and authoritarian." Also note, Dr. Von Leyden has published these writing under the title of *Locke's Essays on the Law of Nature*.

<sup>13</sup> *Ibid.* 19

<sup>14</sup> Some scholars contribute this to an early influence of Filmer, who Locke would later refute. See Gough, J. W. *John Locke's Political Philosophy, Eight Studies*. Oxford, 1950.

<sup>15</sup> Laslett, Peter. *John Locke, Two Treatises of Government*. Cambridge, 1970: 19. "Nor will the largeness of the governor's power appear dangerous or more than necessary if we consider that as occasion requires it is employed upon the multitude, that are as impatient of restraint as the sea, and whose temptest and overflows cannot too well be provided against... To which are we most likely to be a prey, to those whom the Scripture calls Gods, or those whom knowing men have always found and therefore called beasts?" Locke, MS. c. 28, f. 11.

<sup>16</sup> Curtis, Michael. *The Great Political Theories*. Volume 1. HarperCollins, New York, 1981: 359. "Locke's whole political thinking was a generalization about the value of the 1688 Revolution...[it] introduced the idea of limited monarchy in an age weary of civil war and of persecution, in a period when colonial expansion and a banking system were both developing."

Shaftesbury, whom he would serve as a personal physician, secretary, confidant, and friend. This relationship would expose him to various political opportunities and persons, which led him to serve various offices and positions as secretary.<sup>17</sup> These experiences would temper his political theory with political experience, as is seen in his *Two Treatises*.<sup>18</sup> As Laslett notes, "it was not Locke the Oxford don who became a philosopher, but Locke the confidant of an eminent politician, living the political, social and intellectual life of Restoration London."<sup>19</sup>

Locke's life would continue with various other stages of interest. In 1683 Locke would flee in exile to Holland after the Rye House Plot, which planned to assassinate the monarch, was revealed. While in Holland Locke would be exposed to various issues of religious tolerance related to Holland's Calvinist church and an influx of protestant refugees from French Catholic persecution. It was also around this time that Locke would pen his most famous work, *Essay Concerning Human Understanding*. In 1688, the Glorious Revolution would occur, and Locke would later return to England and publish both his *Essay* and his *Second Treatise*. These documents, in combination with his *Letter of Toleration*, would move him up to the level of national intellectual. Central to this rise would be the prominence of his *Essay*, which would establish him as a philosopher. Locke would pen various other works of interests, as well as continue to serve in political offices, until his death in 1704.

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<sup>17</sup> Laslett, Peter. *John Locke, Two Treatises of Government*. Cambridge, 1970: 26.

<sup>18</sup> *Ibid.* 27

<sup>19</sup> *Ibid.* 28

## Locke's Basic Ideas

Having briefly survived Locke's life, various elements of interest were noted and worthy of reminder. Chief among these were the historical time in which he lived, which was ripe with scientific change, political unrest, and historic advancements in thought and power. Chief among the issues that influences him personally included his early academic interests, his personal relationships, and his life experiences. It now seems satisfactory to review Locke's main contributions in light of these impressions. May this also be done with a note of caution: This summarization of Locke's thought, like the offered historical and personal background, are not to serve as an in depth explanation. Rather, it will simply seek to provide a basic introduction to Locke's most important contributions. As Locke's environment was first examine, and then his experiences experiences, it is now appropriate to turn to Locke's thoughts. With this then equipped, the paper will feel satisfied in its introduction to handle the issues of religion, morality, law and the state.

Locke's intellectual interests were diverse and usually associated with his occupation. Included in his writings are works on epistemology, religious tolerance, theology, religion, monetary policy, separation of church and state, social contract and more. Three of his writings proved most influential amongst the others. Foremost among this list is his work on epistemology and knowledge entitled *An Essay Concerning Human Understanding*. The work is composed of four books addressing the possibility of knowing. The first of these books sets "to inquire into the original, certainty, and extent of human knowledge, together with the grounds and degrees of belief, opinion, and assent."<sup>20</sup> The resulting argument and conclusion is that

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<sup>20</sup> Locke, John. *An Essay Concerning Human Understanding*, ed, Peter H. Nidditch, Oxford: Clarendon Press, 1974: I.i.2.

humans are born with no innate knowledge. This claim ran contrary to the various natural law theorists who claimed various ideas, such as the idea of God, was etched upon the mind of man at creation. Book II continues the exploration of epistemology by claiming ideas as 'materials of knowledge', and that these materials are experienced through the senses which result in ideas.<sup>21</sup> Locke provides the analogy of a blank sheet of paper, or an empty drawer, which is later sketched and filled with experience. Book III deals with the nature of language and linguistics as they pertain to knowledge, and Book IV closes the work with the nature of knowledge as it pertains to its limits, to reason, and to faith. Key to the *Essay* is the concept of 'tabula rasa,' and the primacy of reason. Knowledge and ideas for Locke are not gained through a digging into of pre-established ideas sewn upon man's mind, but of experiencing them through the senses and reflection. As he states in the fourth book, "the discovery of the certainty or probability of such propositions or truths, which the mind arrives at by deduction made from such ideas, as it has got by the use of its natural faculties; viz, by the use of sensation or reflection."<sup>22</sup> As Curtis summarizes,

Locke emphasized the importance of reason, toleration and moderation. Knowledge was not innate, nor revealed, nor did it rest on authority. It consisted of seeing relations among ideas derived from sense experience. Because of the limitation of the human understanding, one could talk only about probability, not about certainty.<sup>23</sup>

Locke's second work of interest includes his *Two Treatises*, which Locke happened to publish anonymously until his death. As the *Essay* dealt with the issue of human knowledge, the

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<sup>21</sup> *Ibid.* I.i.8: Locke defines an idea as ". . . whatsoever is the object of the understanding when a man thinks, . . . whatever is meant by phantasm, notion, species, or whatever it is which the mind can be employed about in thinking"

<sup>22</sup> *Ibid.* IV.XVII.ii,

<sup>23</sup> Curtis, Michael. *The Great Political Theories*. Volume 1. HarperCollins, New York, 1981: 359-360.

Two Treatises place as their focus a theory of government. The *First Treatise*, which is currently overlooked in terms of readership and publishing, was a response to the Divine Right of Kings as proposed by Sir Robert Filmer's *Patriarcha*. Locke seems to reject such an absolute removal of the people's liberty on the grounds that such a removal denies individual liberties that are rooted within natural law. Borrowing from his Constitutionalist counterpart, whom Locke called the 'judicious Hooker', Locke proposes that law and government are powers delegated by and responsible to the political community. The concept seemed a rejection of the idea that power was something to be patriarchally inherited by Kings, and so seemed aptly suited to reflect the historical deliverance of power from a monarchy to parliament with the 1688 Revolution of his lifetime.<sup>24</sup>

Whereas the first treatise addressed the divine right of kings, the second seemed to tacitly response to several of Hobbes' ideas on the state of nature. Hobbes believed that the state of nature was a depraved state of humanity, whereas man abused and oppressed those who were weaker than him. This state of nature thus produced the necessity of coming together in a social contract to exchange individual liberties for the peace of a ruling figure. For Hobbes, the state of nature was equivalent to a state of war, and the protection of man was dependent on his contracting to form a political government. Locke's *Second Treatise* seems to build on Hobbesianism in some regards, and in others directly reject. Locke rejects the state of nature as equivalent to the state of war, and argues instead that the state of nature is based on a law and equality, as made evident by reason.<sup>25</sup> In his own words, Locke described the state of nature as having "a law of nature to govern it, which obliges everyone: and reason which is that law,

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<sup>24</sup> *Ibid.* 359

<sup>25</sup> *Ibid.* 360

teaches all mankind who will but consult it, that being all equal and independent, no one ought to harm another in his life, health, liberty or possessions.”<sup>26</sup>

With a major parting disagreement with Hobbes established, what can we draw in regards to Locke’s political philosophy? First, Locke treats the subject of human nature. As revealed in Genesis, man exists in relation to a creator, thus establishing that humans

are his property whose workmanship they are, made to last during his, not one another's pleasure: and being furnished with like faculties, sharing all in one community of nature, there cannot be supposed any subordination among us, that may authorize us to destroy one another, as if we were made for one another's uses, as the inferior ranks of creatures are for our's.<sup>27</sup>

As his property, God asserts dominion over life and death. With this premise of relation established, Locke then asserts that man has a divine purpose hinted in the creation: to survive as individuals. With the Creator/creature relation established, and the divine purpose acknowledged, man contains natural rights of existence corresponding to his survivability (life, liberty, property and health). As such, in the state of nature, man lives pursuing this survivability. When another crosses the boundaries of this law, and threatens his natural rights, which so threaten his survivability, the state between these men changes to a state of war, whereas innocent life may be protected from the trespasser. In this state, the various individuals are responsible as both judge and executioner. However, sometimes men are apt to judge harshly, and punish unjustly, and as such it is in the interest of men to join into a social contract. As Curtis explains, "the social contract was made for safe and peaceful living, and secure enjoyment of property. It was a contract made among equals to create a society, and then between the

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<sup>26</sup> Locke, John. *Second Treatise of Civil Government*, in *Works*, eleventh edition, 1812: II.6.

<sup>27</sup> *Ibid.* II.6.

society created and the ruler.”<sup>28</sup> As Nelson Brian notes, this created state consists of two separate stages.

The first stage is the social contract that forms society; the second stage is the political ‘contract’ that creates a common authority. The social contract, Locke argues, requires the unanimous consent of every party to the contract. The political ‘contract’ to form a government requires only a majority decision, and the subsequent actions of government are legitimate, says Locke, so long as they are based on the will of the majority.<sup>29</sup>

As such, the product of the social contract is a society living within a government, and "is not to be confused with society...[for government] exists merely as an agent and trustee of society, not as its overseer and master as Hobbes would have it.”<sup>30</sup>

With this treatment of the Second Treatise, several things stand out for the topic of this paper. First is that God is Creator over man, and as such claims property over his creation. Second is that man exists first in a state of nature, whose law is reason, and whose reason is fixed on the natural rights of man as they pertain to his survivability. Third is that man may be drawn into a contract with one another, whereas he submits certain liberties to preserve the whole. Fourth is that consent arises in Locke's theory as the basis of political power. Fifth is that this consent produces a government which accepts the given acts of execution and legislation in trade for security. Locke treats other subjects in his works, such as justification for rebellion, the issue of slavery, and the importance of property. However, for the moment these highlighted themes will suffice.

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<sup>28</sup> Curtis, Michael. *The Great Political Theories*. Volume 1. HarperCollins, New York, 1981: 360.

<sup>29</sup> Nelson, Brian. *Western Political Thought From Socrates to the Age of Ideology*. Prentice Hall, New Jersey, 1996: 200

<sup>30</sup> *Ibid.* 200

## Locke on Religion

Having reviewed the basics to Locke's thoughts, we may now move into the deeper issues as they pertain to the focus of this paper. Chief among them are the elements of religion, morality, law and state as they relate to Locke's 'political theology'.<sup>31</sup> We will also advance on the assumption, as it pertains to his religion, that Locke was in fact a Christian. Scholars tend to debate whether he was a Socinian (as Edwards claims), or whether he was a deist, but this paper will advance forward with the assumption he is sincere, and leave the debate to another academic venture.<sup>32</sup>

### Locke On Religion: Locke's Critique of Innate Ideas

Of the three forces guiding a conception of society, three prove most important. These include Religion, Morality, and Law (perhaps best in that order). From this arrangement may be derived the values, purposes, and powers of a political theology. In our search for Locke's opinions on the subject, we will explore all three in light of his basic philosophical emphasis and his various works. Although thinkers held to different versions of the innateness of ideas and principles, Locke sought a rejection of the position.<sup>33</sup> Locke describes the innateness of ideas in his *Essay*, where he explains "it is an established Opinion amongst some Men, That there are in the Understanding certain innate Principles; some primary Notions... as it were stamped upon the

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<sup>31</sup> Mitchell, Joshua. *Not by Reason*. University of Chicago Press, Chicago, 1993: 73. "Thee florescence of the seemingly pure liberal political vision is to be found in the thought of Locke. To comprehend it fully, this flowering, this enlightenmentd clarification, this seemingly explicit political vision in which reason, property, and toleration play so large a part, must be understood as an attempt to grasp the meaning of biblical history and the place of humankind within the particular moment of history in which it dwells. As such, Locke's vision, like the vision of Luther and Hobbes that preceded it, is best understood as a political theology,"

<sup>32</sup> *Ibid*: 73

<sup>33</sup> Additional criticisms of the Innateness of ideas found in *Essay* I.iii.8; I.iii.13; I.iii.14; I.iv.14; and *Essays on the Law of Nature*, ed. W. von Leyden, Oxford: Clarendon Press, 1954, 123, 125, 137, 143, 145

Mind of Man, which the Soul receives in its very first Being; and brings into the World with it."<sup>34</sup>

Perhaps echoing the influence of his life lived during the struggles of religious and political conflict, as modeled in the period after the death of Cromwell, Locke seemed adamant on rejecting premises that support spiritual or political authoritarianism.<sup>35</sup> In this regard, Sell provides two reasons for why Locke was adamant on rejecting innate knowledge.

First, Locke was motivated by hostility to authoritarianism (whether the Roman magisterium or the enthusiast's 'immediate Communication of the Divine Spirit)...Secondly and positively, Locke genuinely believed that what mattered in knowledge and certainty was established upon surer foundations than those provided by innate principles.<sup>36</sup>

Such ideas included systems of morality, God, or good and evil as imprinted upon man's minds and souls<sup>37</sup>

### **Locke on Religion: The Proponents of Innate Ideas**

However, Locke's rejection of the innateness of ideas and knowledge seemingly denied a principle common to natural law, and surely essential to the Aristotelian methods of the day. As Sell summarizes Locke's opponents, "dismissal of innate principles was far more than an epistemological quibble. In the absence of innate principles, held to be divinely imprinted on the soul, they could envisage only atheism, immorality, Hobbes-inspired materialism, and hence the

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<sup>34</sup> Locke, John. *An Essay Concerning Human Understanding*, ed, Peter H. Nidditch, Oxford: Clarendon Press, 1974: I.i.1

<sup>35</sup> *Ibid.* I.iv.23: "I perswade my self, at least, that the way I have pursued, being comfortable to Truth, lays those foundations surer,"

<sup>36</sup> Sell, Alan. *John Locke and the Eighteenth-Century Divines*. University of Wales Press, Cardiff, 1997: 18-19.

<sup>37</sup> *Ibid.* 16

shaking of prevailing social values."<sup>38</sup> One such example of an opponent is James Lowde, who argued that knowledge is retrieved from two sources. The first of these consists of the natural ideas innate and imprinted in the soul, while the second of these is delivered through revelation.<sup>39</sup> Locke would also find an opponent to his rejection of innate ideas from the fiery Calvinist, Jonathan Edwards. Edwards would affirm, "natural impressions in all men's minds are the foundation of religion, and the standard of truth as well as of morality."<sup>40</sup> To rid the mind of the absolute principles such as God and the heart would be to sever the very image of God, for "made in God's image, [humans] have in their minds fixed and indelible notions of truth and falsehood; these ideas originate in God's mind and have been copied out in us by him."<sup>41</sup> Edwards would continue his refutation, asking what was to be made of that which "cannot be known," such as rewards, punishment, and the mysteries of the divine.<sup>42</sup>

### **Locke On Religion: Locke's Supporters Against Innate Ideas**

To these objections, Locke had his responses, as well are other writers who wrote in his favor. James Lowde, in his *A Discourse Concerning the Nature of Man*, wrote "next to a Sceptick, who grants no Principles at all, it is the greatest difficulty to convince an Atheist, who

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<sup>38</sup> *Ibid.* 18

<sup>39</sup> *Ibid.* 19

<sup>40</sup> Edwards, Jonathan. *The Socinian Creed; or, A Brief Account of the Professed Tenents and Doctrines of the Foreign and English Socinians. Wherein Is Shew'd the Tendency of Them To Irreligion and Atheism. With Proper Antidotes against Them*, London, J. Robinson, 1697: 122

<sup>41</sup> Sell, Alan. *John Locke and the Eighteenth-Century Divines*. University of Wales Press, Cardiff, 1997: 20

<sup>42</sup> Edwards, Jonathan. *The Socinian Creed*, 122

asserts such absurd and unreasonable ones."<sup>43</sup> The truth of Lowde's wit is evident in this post-modernist society where skeptics reference the state of physical nature to justify immoral behavior. Assuming an innateness of ideas and principles is not simply the domain of those who are right (as wishful as that would be), but also likely to be claimed by those whose premises are unknowingly wrong. Locke's point, as emphasized by Lowde, is that a removal of the innateness of ideas makes rational thought possible. One can wrongly and sloppily abuse the innateness of ideas, as Yolton notices whence he observes that that "The principles which are listed as innate are always formulations of the existing values of society."<sup>44</sup> Another who comes to Locke's defense is John Ellis, who in his response entitled *Some Brief Considerations upon Mr. Locke's Hypothesis, That the Knowledge of God is Attainable by Ideas of Reflection* (1743), argues that although the rejection of innate ideas are acceptable, this should argue against Locke's idea that one can know of God through reflection, and in favor of Revelation.<sup>45</sup> One of Locke's greatest admirers was found in Catherine Cockburn, who showed support in her anonymously published *A Defense of the Essay of Human Understanding* (1702).<sup>46</sup> She provided the following written clarification:

Mr. Lock only contends against those who say there are Principles of Metaphysical or Moral Truths originally imprinted on the mind; by which, if they only mean that there is an Innate Power or Capacity in the Soul of knowing these Truths, they mean nothing different from Mr. Lock, who denies Innate Principles; for he does not deny that there is a Power of the Soul of perceiving, and assenting

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<sup>43</sup> Lowde, James. *A Discourse concerning the Nature of Man, Both in his Natural and Political Capacity: Both As He Is a Rational Creature, and Member of a Civil Society. With an Examination of Some of Mr. Hobb's Opinion relating Hereunto*, London: T. Warren for W. Kittilby, 1694: 136

<sup>44</sup> Yolton, John. *John Locke and the Way of Ideas*. Oxford: Clarendon Press, 1956: 29.

<sup>45</sup> Sell, Alan. *John Locke and the Eighteenth-Century Divines*. University of Wales Press, Cardiff, 1997: 23.

<sup>46</sup> Cockburn, Catherine. *A Defense of the Essay of Human Understanding, London, 1702: 62.*

to those Truths; or of distinguishing Good and Evil.<sup>47</sup>

As highlighted in the responses of his opponents, the fear associated with a rejection of innate ideas in favor of knowledge through sensory perception and reflection was dominantly one regarding moral and religious breakdown. On the topic of interest, how could one uphold an absolute and universal standard of morality and truth yet still emphasize that one can only gain knowledge through their sensory experience? To have left the issue of innate ideas at its rejection is to have only provided a puzzle piece portion. With Locke's treatise on religion, morality, and law, it will be found that this issue of innate ideas runs deeply throughout his thought. It is in weighing Locke's thoughts on these issues with his epistemology and rejection of innate knowledge that one discovers Locke's potential contribution to state and jurisprudence.

### **Locke On Religion: Reason**

Having rejected innate ideas as a source of knowledge, we may now enter into the first of three areas of interest. We enter these topics by order of their importance, beginning with what Locke considers first among the others. Locke is, first and foremost, a man deeply influenced by his religious convictions. It is not in his work that we find a secular empiricist searching for an epistemology to make faith irrelevant. In order to then discuss Locke on the topic of religion, we include in this the topic of reason, for both have as their aim the same allied direction: the true attainment of knowledge. Locke defines reason as "that faculty, whereby Man is supposed to be distinguished from Beasts, and wherein it is evident he much surpasses them."<sup>48</sup>

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<sup>47</sup> Cockburn, Catherine. *A Defense of the Essay of Human Understanding*, London, 1702: 73.

<sup>48</sup> Locke, John. *An Essay Concerning Human Understanding*, IV.xvii.11

He does not mean to say that by faculty, he is simply referring to the scholastic understanding, which equivocates reason with logic.<sup>49</sup> It is a faculty which serves as a "judge and Guide for every thing" in our life.<sup>50</sup> Nor is this to be confused with an understanding that reason was somehow above religious faith. As Wolterstorff notes in his article considering Locke's epistemology and his piety, "Locke is very serious in laying emphasis on the God-given nature of Reason."<sup>51</sup> Christianity was simply reasonable, and God was not one to provide man a 'light' of reason that acted in discordance with the truths of religion. Rather, understanding these truths were simply reasonable things offered by one beyond our perspective, and omnipresent in perspective.

### **Locke on Religion: Natural Revelation**

With reason defined, and Revelation mentioned, what is the role of natural revelation for Locke? John compares natural Revelation to a "Foundation of all Knowledge" from an "Eternal Father of Light," which "communicates to Mankind that portion of Truth, which he has laid within the reach of their natural Faculties."<sup>52</sup> God so reveals himself firmly in nature, placing within its created order evidence of his being. By sensing the world, and reflecting on its order and beauty, Locke can conclude with the existence of God.<sup>53</sup> This importance of a cosmological argument was rather widespread among Christendom and scholarship, and it plays important in

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<sup>49</sup> Sell, Alan. *John Locke and the Eighteenth-Century Divines*. University of Wales Press, Cardiff, 1997: 62.

<sup>50</sup> Locke, John. *An Essay Concerning Human Understanding*, IV.xix.14

<sup>51</sup> Wolterstorff, Nicholas. "John Locke's Epistemological Piety: Reason is the Candle of the Lord," *Faith and Philosophy*, XI, no.4, October 1994, 575-91

<sup>52</sup> Locke, John. *An Essay Concerning Human Understanding*, IV.xix.14

<sup>53</sup> Sell, Alan. *John Locke and the Eighteenth-Century Divines*, 63

Locke's apologetic for the reasonableness of Christianity.

Locke affirms natural revelation not as a principle of innate ideas about God sewn into the soul or mind at birth, but rather a product of sensory perception and reflection. We may conclude with a "mathematical certainty" that God exists by simply experiencing the world and reflecting on maximized concepts in the form of existence, pleasure, and knowledge.<sup>54</sup>

Accessibility to reflect on nature and its cosmological principles towards the precise idea of God is so important to Locke that he calls it "so fundamental a Truth...that all Religion and genuine Morality depend thereon."<sup>55</sup>

### **Locke on Religion: Revelation**

With reason defined and linked to the natural revelation of God, how does Locke feel about the role of Revelation, faith, and various elements of Christianity and Religion? Locke hardly posits that only what we may deduce from nature is to be knowable by God, as if God was simply the total reflection of nature. For Locke, there exists an important place for Revelation, which he defines as "natural Reason enlarged by a new set of Discoveries communicated by GOD immediately, which Reason vouches the Truth of, by the Testimony and Proofs it gives, that they come from GOD. So that he that takes away Reason, to make way for Revelation, puts out the Light of both."<sup>56</sup> The two for Locke are not areas of contrast, but simply an illumination of one with perfect Reason. God's work of illumination does not "extinguish that which is

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<sup>54</sup> "It is not that we have have innate ideas of God (hence his disdain of the ontological argument), but rather, that by a process of inference utilizing the faculties of sense, perception and reason we conclude to God with a certainty 'equal to mathematical Certainty,' and by going 'no farther than our selves' -- that is, than the faculties with which we are endowed. In framing our idea of the supreme being, we enlarge to infinity such idea as those of existence, duration, knowledge, power, pelasure and happiness," (Sell 64)

<sup>55</sup> Locke, John. *An Essay Concerning Human Understanding*, IV.x.7

<sup>56</sup> *Ibid.* IV.xix.4

natural," even when it comes to direct revelation, for God may do so with the illumination of man's might with a supernatural light.<sup>57</sup> Locke was searching here to refute both the spiritual authoritarians and the emotionalists who laid claim to sources of truth on the basis of tradition or personal experience. Neither of the two could contrast with what we find in revelation, for its clash with reason would so be evident. Nor is this to conclude reason as the judge over revelation.<sup>58</sup>

### **Locke on Religion: Faith**

What then of the role of faith? As Sell explains in regards to Locke's treatment of revelation in the mind, "faith becomes the epistemological tool by which we come to assent to a proposition which is not a deliverance of reason, but is above (through not against) reason."<sup>59</sup> It is not something outside the line of what is reasonable. As Sell symbolizes, revelation stands on top but in line with the Father, and accepting the revelations of a perfect being with perfect perception seems a rational premise. Such a being would hardly deny tenets of reason in His revealed knowledge, and as such would not provide us with both a reason and a revelation that is self-contradictive.<sup>60</sup> Nor does the assent to a proposition divinely revealed hamper reason any more than reflecting upon this 'mathematical surety' of God's existence through senses and

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<sup>57</sup> *Ibid.* IV.xix.4

<sup>58</sup> Sell, Alan. *John Locke and the Eighteenth-Century Divines*, 74: "If some would argue, as they were soon to do, that Locke makes reason the arbiter of revelation...thereby asserting its primacy over all, Locke would first deny that 'we must consult Reason and examine whether a Proposition revealed from God can be made out by natural Principles, and if it cannot, that then we may reject it: But consult it we must, and by it examine, whether it be Revelation from God or no,"

<sup>59</sup> *Ibid.* 85

<sup>60</sup> Locke defines faith as "the Assent to any Proposition, not thus made out by the Deductions of Reason; but upon the Credit of the Proposer, as coming from GOD, in some extraordinary way of Communication. This way of discovering Truths to Men we call Revelation," Locke Essay IVxviii.2".

reflection hamper the reliability of accepting such a premise. We can deduce with a firmness God's existence, and as such it seems reasonable that he may wish to reveal information beyond our senses, which we can then accept as revealed reason.

### **Locke on Religion: Scripture**

Having noted the union of reason and faith, and having noted the hierarchy there in, we are left with this source of divine revelation in question. As a Christian, Locke asserts this to be the Holy Scriptures of the Bible. Note how Locke speaks of the Scriptures, and their role in both his life and as a sense of authority. Of them he says they

always will be, the constant guide of my assent; and I shall always hearken to it, as containing infallible truth, relating to things of the highest concernment. And I wish I could say, there were no mysteries in it: I acknowledge there are to me, and I fear always will be. But where I want the evidences of things, there is yet ground enough for me to believe, because God has said it: and I shall presently condemn and quit any opinion of mine, as soon as I am shown that it is contrary to any revelation in the holy scripture.<sup>61</sup> (Locke, *Postscript to A Letter to the Right Rev. Edward Lord Bishop of Worcester*, in *Works*, IV, 96.

Locke then provides two means to check claims of immediate guidance from the Holy Spirit, or innate authority, by emphasizing a check to such claims with the investigation of Reason and Scripture. As Sell concludes, "Locke determines to uphold the authority of Scripture as a revelation from God against all false authoritarian claims."<sup>62</sup>

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<sup>61</sup> Locke, John. *Postscript to A Letter to the Right Rev. Edward Lord Bishop of Worcester*, in *Works*, IV, 96.

<sup>62</sup> Sell, Alan. *John Locke and the Eighteenth-Century Divines*, 95

### **Locke on Morality: A Mathematical Certainty**

In Locke's morality, we find again the issue of the innateness of knowledge. In this regard, we found his skeptics quite lively. They could not understand how one could deny innate principles of morality and not conclude with a rejection of moral principles. As Thomas Burnet critiqued him in this regard, how could you determine good or evil with the senses, or pleasure and pain?<sup>63</sup> With Locke is found a real morality that rejects the innateness of morals and affirms a reasonable acquirement thereof. Even those he affirms to "intuitive principles, to reasoning on the basis of sense experience, and to hedonistic considerations," Locke consistently find "in every case the final arbiter is Scripture."<sup>64</sup> Locke then provides three arguments for a reasonable and real morality. First among these is one, which places morality as a science in its capacity of demonstration. As he asserts in his *Essay*, "by necessary Consequences, as incontestable as those in Mathematicks, the measures of right and wrong might be made out, to any one that will apply himself with the same Indifferency and attention to the one, as he does to the other of these Sciences."<sup>65</sup> Locke would be challenged by contemporaries to provide such a display of mathematical moral equations, however he would refuse taking up the endeavor as a treatise. Instead he simply asserts the possibility there-of. As for the second mentioned evidence of morality, the reasonableness thereof, it shall be saved for when natural law is discussed.

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<sup>63</sup> *Ibid.* 20

<sup>64</sup> *Ibid.* 110

<sup>65</sup> Locke, John. *An Essay Concerning Human Understanding*, IV.iii.18

### Locke on Morality: Christian ‘Hedonism’

On the role that pain and pleasure in ethical thought, Locke states in his *Essay* that

Things then are Good or Evil, only in reference to Pleasure or Pain. That we call Good, which is apt to cause or increase Pleasure, or diminish Pain in us; or else to procure, or preserve us in the possession of any other Good, or absence of any Evil. And on the contrary we name that Evil, which is apt to produce or increase any pain, or diminish any pleasure in us; or else to procure us any evil, or deprive us any good.<sup>66</sup>

Reason informs us of what is right and wrong, yet the consideration of pain and pleasure aids us in pursuing and acting ethically. An individual may be tempted to see in this a modernist version of Utilitarianism, but they would be mistaken by overlooking Locke's Christian presuppositions. In continuing with this ethical hedonism, Locke notes that the element of eternal judgment and life multiplied this ethical consideration. In his work, *The Reasonableness of Christianity*, Locke explains that

The view of heaven and hell will cast a slight upon the short pleasures and pains of this present state, and give attractions and encouragements to virtue which reason and interest, and the care of ourselves, cannot but allow and prefer. Upon this foundation, and upon this only, morality stands firm, and may defy all competition. This makes it more than a name; a substantial good, worth all our aims and endeavors; and thus the gospel of Jesus Christ has delivered it to us.<sup>67</sup>

His hedonism then serves his natural law, as both drive man by the same author: God.<sup>68</sup> As Sell explains, "utility is not the criterion of virtuous action, the will of God is."<sup>69</sup>

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<sup>66</sup> *Ibid.* II.xx.2

<sup>67</sup> Locke, John. *The Reasonableness of Christianity*, in *Works*, eleventh edition, 1812, VII 150-1

<sup>68</sup> Sell, Alan. *John Locke and the Eighteenth-Century Divines*, 115

<sup>69</sup> *Ibid.*, 115

### **Locke on Morality: Liberty**

As has been emphasized, the role of the rejection of the innateness of ideas is important to an understanding of Locke on the issues of religion, law, and morality. Locke find in its importance a rejection of spiritual and political authoritarian, which coincided with the issue of liberty. A certain freedom must be granted, Locke would posit, because our experience of reality through the senses does not render absolute perfect knowledge, but probability, given our imperfect. This is not to be said of the element of revelation, for the source thereof is an individual with perfect reason. One's hermeneutic then, and his interpretation, can acknowledge the source as real and divine, yet not claim absolute knowledge. This is all tempered further by Locke's understanding of a real liberty of persons. Sell speaks of Locke as describing will as "a power we have, and which we use; it is not an agent which could be determined or at liberty."<sup>70</sup> Locke speaks of this liberty existing in the mind in his Essay, where he states “

That the mind having in most cases, as is evident in Experience, a power to suspend the execution and satisfaction of any of its desires, and so all, one after another, is at liberty to consider the objects of them; examine them on all sides, and weigh them with others. In this lies the liberty Man has; and from the not using of it right comes all that variety of mistakes, errors, and faults which we run into, in the conduct of our lives, and our endeavours after happiness,<sup>71</sup>

### **Locke on Law: Natural Law**

The question then arises is what is Locke's stance on Law. We carry over from his concept of morality this perspective, for Locke sets to argue that reason makes possible the attainment of moral truths. Through sense perception and reflection Locke provides for the

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<sup>70</sup> *Ibid.* 134

<sup>71</sup> Locke, John. *An Essay Concerning Human Understanding*, II.xxi.50

ability of man to invoke a process of becoming aware of moral truths asserted in the natural law. These two stand as "an eternal rule to all men, legislators as well as others."<sup>72</sup> For Locke, natural law is "the decree of the divine will discernible by the light of nature and indicating what is and what is not in conformity with rational nature, and for this very reason commanding or prohibiting,"<sup>73</sup> Sell notes this cosmological relation between morality and theology, stating that for Locke, "God has made and ordered all things, and we are his workmanship, over whom he rules and to whom he gives divine law... the law of nature is 'the Will and Law of a God.'"<sup>74</sup> Natural law is further by "the light of Nature, or the voice of Revelation."<sup>75</sup>

### **Locke on Law: Natural Law, Morality, and Scripture**

What then the relationship between natural law and the Christian religion? To this Locke would likely respond that a natural religion of nothing but reason is hardly adequate. Nowhere can be found an individual who practices the Law of Nature in the State of Nature perfectly, and this creates the need for a savior. Locke states that "such a body of ethics, proved to be the law of nature, from principles of reason, and teaching all the duties of life; I think nobody will say the world had before our Savior's time."<sup>76</sup> What else may we say on the relationship of natural law and Scripture? It is interesting to note that here we find Locke appealing to an authority of some sort. Whether an individual were to use their sensory experience, or the claim of intuitive principles, Locke still emphasizes that the ending point is divine Revelation. As Sell notes, "this is consistent with his view that notwithstanding the insights of ancient and modern philosophers, 'the morality of the gospel doth exceed them all, that, to give a man full knowledge of true morality, I shall send him to no other book, but the New Testament.'"<sup>77</sup>

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<sup>72</sup> Locke, John. *Of Civil Government*, in *Works*, eleventh edition, 1812: V, 418

<sup>73</sup> Leyden, Von. *Locke's Essays on the Law of Nature*. Oxford, Clarendon Press, 1954: 111

<sup>74</sup> Sell, Alan. *John Locke and the Eighteenth-Century Divines*, 115

<sup>75</sup> Locke, John. *An Essay Concerning Human Understanding* II.xxviii.8

<sup>76</sup> *Ibid.* VII 141

<sup>77</sup> Sell, Alan. *John Locke and the Eighteenth-Century Divines*, 115

### **Locke on the State: Religious Liberty**

On the issue of religious liberty, several individuals influenced Locke on the matter, and we find both literary influences in the lives of Herbert of Cherbury and Erasmus, as well as in his life experiences. It may be recalled that Locke's ideas of religious liberty and toleration arose in a time where he "no sooner perceived myself in the world but I found myself in a storm," regarding the 1688 chaos and the exilic period in Holland where Locke experienced the Calvinist state, the Remonstrant Arminians, and the influx of French protestant refugees. Concerning religious liberty, Locke wrote that "neither pagan, nor mahometan, nor jew, ought to be excluded from the civil rights of the commonwealth, because of his religion. The gospel commands no such thing."<sup>78</sup> Here is seen hinted Locke's church and state division, as well as how the two intertwine (insinuated by the justification of religious liberty in the state on grounds found in the Gospel). As does the rejection of the innateness of idea, man's liberty and the need for religious toleration shapes Locke's views on Church and State.

### **Locke on the State: Church and State**

Writing on the separate divisions of church and state, Locke states that

There is a distinction of supreme importance between Church and state, which is grounded in the fact that whereas under the old dispensation there was a unified and absolute theocracy, with the coming of Christ, who inaugurated no commonwealth, there are two realms, the churchly and the civic, both under God, but distinct." (Locke Letter Concerning, Works VI 37-8).<sup>79</sup>

Note an interesting link between the role of the state and that of the church, grounded in the awaited coming of the Christ. Locke seems to keep separate the realms, arguing that only

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<sup>78</sup> Locke, John. *Letter Concerning Toleration*, VI.52

<sup>79</sup> *Ibid.* VI 37-8

when Christ comes will both be equated perfectly under his rule. Both the church and the state are commissioned with God, yet serving dual and complimentary roles. Sell notes Locke's line of reasoning where he mentions that Jesus rejected the Messiahship as conceived by the Jews of his day to be a temporal leader.<sup>80</sup> Jesus had not come to deliver them of their physical shackles, although he promised in the eschaton he would. Rather, Christ came to reveal to humanity the Gospel of Law, which Locke holds to be a revealed ethic so pure and perfect that it provides in reflection testimony to its reasonableness on the grounds of its revealer, Jesus.<sup>81</sup> As such, Christ moves us past the Old Testament dispensation into the New, whereas God's moral law, the Law of Nature, is revealed in the perfect teaching of Jesus' teaching. This assortment of moral knowledge is reasonable yet revealed, and also relevant to the discussion of Church and State. The Christ sets apart in this New Testament age a revelation of the Law of Gospel alongside the separate roles of the Church and the State. As to what Locke means when he uses the word Church, he defines it, as "is a thing absolutely separate and distinct from the commonwealth. The boundaries on both sides are fixed and immovable."<sup>82</sup> Their separation is further emphasized, where he states that "the one attending to the worldly welfare of the commonwealth, the other to the salvation of souls."<sup>83</sup> Yet even in this distinct separation, both are linked in both reason and revelation. Both are grounded in their separation and definitions by Christ, who also provides for us a law perfect in reason and simplicity.

J. Dunn provides an important clarification on the role of human political duties, absent as they are from a direct divine appointment in the mind of the Divine Right of Kings theorists.

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<sup>80</sup> Sell, Alan. *John Locke and the Eighteenth-Century Divines*, 159

<sup>81</sup> Locke, John. *The Reasonableness of Christianity*, VII.79-81

<sup>82</sup> Locke, John. *Letter Concerning Toleration*

<sup>83</sup> *Ibid.* 54

Here Dunn explains "It was not Locke's theory that all human political duties were necessarily exclusively derived from consent; and it indisputably was his theory that all valid human political duties were rationally to be interpreted as specifications of God's purposes for man. Political duty was a theoretical derivative of natural theology."<sup>84</sup>

What then of the further role of the state? J. Dunn provides an important clarification on the role of human political duties, absent as they are from a direct divine appointment in the mind of the Divine Right of Kings theorists. Here Dunn explains: "It was not Locke's theory that all human political duties were necessarily exclusively derived from consent; and it indisputably was his theory that all valid human political duties were rationally to be interpreted as specifications of God's purposes for man. Political duty was a theoretical derivative of natural theology."<sup>85</sup> Locke explains in his Letter Concerning Toleration that the duty of the state, or the "civil magistrate," is the "impartial execution of equal laws, to secure unto all the people in general, and to every one of his subjects in particular, the just possession of these things belonging to life...it neither can nor ought in any manner to be extended to the salvation of souls."<sup>86</sup> Religion so necessitates the salvation of souls given man cannot practice the natural law perfectly in the state of nature. If he could, there would be no reason for individuals to initiate a social contract that results in a government. However the imperfection of man leads to dual necessities. The first and foremost is for a savior to make right their relationship with God.<sup>87</sup>

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<sup>84</sup> Dunn, J. "From applied theology to social analysis: the break between John Locke and the Scottish Enlightenment," in Istvan Hort and Michael Ignatieff (eds), *Wealth and Virtue*, Cambridge: CUP, 1983, 129

<sup>85</sup> *Ibid.* 129

<sup>86</sup> Locke, *A Letter Concerning Toleration*, in *Works VI*, 10.

<sup>87</sup> Wallace, Dewey D. "Socinianism, Justification by Faith, and the sources of Locke's The Reasonableness of Christianity," *Journal of the History of Ideas*, XLV, January 1984:49-66 (Wallace 49-66)

Given man's inability to adhere to the state of nature in perfection, which so commits a crime against its author God, "faith and repentance, i.e. believing Jesus to be the Messiah, and a good life, are the indispensable conditions of the new covenant, to be performed by all those who would obtain eternal life."<sup>88</sup> The State cannot credit man with righteous for his fault of breaking the law of nature (who's law is God's).

Locke's thoughts on the role of the State can be hinted in his paraphrase and understanding of Romans 13. Locke paraphrases Romans 13:1 to say that "Let every one of you none excepted be subject to the overruling powers of the government he lives in. There is no power but what is from God." The appointed power in question is not to be directly related with the person, but the office, for God's appointment came in the aforementioned Christ, who divided the responsibilities of Church and State.<sup>89</sup> Locke further explains his reading of this passage, writing that "St. Paul in this direction to the Romans does not so much describe the magistrates that then were in Rome, as tells whence they and all magistrates every where have their authority; and for what end they have it, and should use it."<sup>90</sup> The use given to States in Romans is not one of religion, but rather moral in tone: "For the one in authority is God's servant for your good. But if you do wrong, be afraid, for rulers do not bear the sword for no reason. They are God's servants, agents of wrath to bring punishment on the wrongdoer," (Romans 13:4). This duty to pursue right and wrong would likely flow from an understanding of right and wrong, which alludes back to Locke's reason and natural law.

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<sup>88</sup> Locke, *The Reasonableness of Christianity*, 105.

<sup>89</sup> "A church ... I take to be a voluntary society of men, joining themselves together of their own accord, in order to the public worshipping of God, in such a manner as they judge acceptable to him, and effectual to the salvation of their souls," (Locke Letter Concerning Toleration, Works VI 13). Society is "a society of rational creatures entered into a community for their mutual good," (Locke, Treatise, II Works V 436).

<sup>90</sup> Locke, *A Paraphrase and Notes on the Epistles of St. Paul, II*, 588, 586-7).

### **Locke on the State: The Duty of the State**

So with the role of the state clarified, what of its duty? Role is understood in its relation to the church and duty is understood by its direct purposes in governing. As the church is to be the preaching of Christ Jesus, which leads to salvation, what is the duty of the State? Shirley R. Letwin, in *John Locke: Liberalism and Natural Law*, speaks of the purpose as "precisely given by the law of nature as Locke understands it, the problem of ruling in civil society is...how to achieve what everyone knows ought to be done. The legislature is entrusted with power so that it may pursue a known end."<sup>91</sup> The power entailed in which to accomplish this is defined by Locke to be "a right of making laws with penalties of death, and consequently all less penalties for the regulating and preserving of property, and of employing the force of the community, in the execution of such laws, and in the defense of the commonwealth from foreign injury; and all this only for the public good."<sup>92</sup> However, this paper is in disagreement that the principles of Natural Law extend so directly into the duty of the state for Locke. It would seem Locke's appeal to the law of nature in regards to the duty of the state is important for the natural rights inherent in natural law. As such, the social contracting of the people to form a society and a government has as its duty the preservation of these natural rights. Key to this understanding of social contract is that those individuals who contract agree as a basis of their contracting what responsibilities the State will have. Upon contracting to solidify the preservation of themselves through the protection of inalienable rights, a duty is established upon the state indirectly. The contracted peoples, so motivated by principles derived within natural law, create a covenant, which is also

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<sup>91</sup> Letwin, *John Locke: Liberalism and Natural Law*, 19.

<sup>92</sup> Locke, *Treatise, II Works V*, 339.

the product of their willed determinations. This contract is evident in a Constitution, written or otherwise, which stipulates the terms of the state. Those contracted give up their executive, judicial, and legislative rights in favor of a government who would protect their natural rights as stipulated in the contract. Here arises an interesting element that is not quite in the domain of Natural Law (as it relates to jurisprudence), or Legal Positivism. It may be said of Locke's State and of Law that it surely has a purpose, as he acknowledges in his treatment of Romans.

However, it also contains elements of legal positivism, for the natural rights of man drives him to the social contract, which drives him to give up his state of natural powers of self-governance (directed by the already established law of nature), which then drives him to stipulate how the trustee of these powers (the State) is to function. Here we find the creation of Government, which is not to be confused with the State of Nature. Here is also found the system stipulated to determine the creation of law. The issue of Jurisprudence for Locke seems neither one of Natural Theory or Legal Positivism as it pertains to Law in Government, for the emphasis is more on Natural Right. These rights are surely made evident in natural reason, but as man is free to contract with others, so is there real freedom in him determining how the State is to go about producing laws. We move then from the State of Nature which has as its law reason (Natural Law) and has as its executive and judiciary the individual, to the socially contracted State of Man (political state), which has as its law whatever method determined by the contract to create law, and has as its executive and judiciary whatever trustee determined by the terms of the Contract. These responsibilities and powers are to be known as the State's Constitution, which bridges the gap of the Natural Law and the Legal Positivists, in that it both provides a moral purpose of government (the preservation of the natural rights of man as made evident in the terms of the contracted peoples), as well as rules which may rightly be called 'law' as they

relate to the positivists definition of law as those rules/orders are properly constructed in society. Both contain different domains (one of the State of Nature, where individuals exist in isolation, the other a State of Man (political state) where man exists as a society which places a trustee over certain powers). This also allows for Locke the ability to morally critique the law, for the Natural Law, which is reason, provides a real model of what Good or Bad laws in a society look like. Positive laws can still remain actual laws while still being left to scrutiny, for their purpose should reflect what is known from natural law, yet are still real in the sense that the change from individuals in a state of nature to individuals in a society and government are real. A government can be better constituted to serve the ends of Natural rights, yet the degree does not rob it of being a real Government. A positive law could then have a degree in which it relates to Natural Law, while still being a real law as determined by the Constitution.

As Locke refers to executed actions as real things in and of themselves, so could be considered the free decisions of legislatures to enact law. Actions are free in the sense that they are willed and real. Willed actions are hardly always adhering to the Law of State (thus the need to contract socially, and more importantly propitiatory atonement). In the sense that individual acts are real, it would be expected that the acts committed on someone's behalf by the elected governments are indeed real. Here is another contrast: Acts can be both real and wrong. Real actions and conduct can go contrary to the Law of Nature, as revealed in reason and affirmed fully in Christ. Why not expect the same with the law of the government? It too can produce real acts on behalf of the society, with real restraints, and these restraints could be wrong in accordance to natural law. Wrong, yet real, and as man is to use his reason to bring his behavior in accordance to Natural Law, so he attempts to reform society's law in accordance with this same Natural Law.

As "moral Principles require Reasoning and Discourse, and some Exercise of the mind to discover the certainty of their Truth," so can be said in regards to Locke's positive law. If we were to simply claim an innate understanding of the Laws of Nature (innate morality and knowledge), then of course we would find it problematic to say something is a law in government if it does not conform to the appealed natural law. However, as with religious tolerance and as with principles of morality, one cannot appeal to this authoritarian, and with good reason. One can simply assess the probability of a positive law as it stands in relation to Natural Law. This probable understanding, and this rejection of innate ideas, thus frees Locke to claim positive laws as real things. Since none of us have innate knowledge of the Natural Law, and instead appeal to it with our "reasoning and Discourse" as experienced through sense and reflection, we are free to rightly critique positive law in relation to natural law.

Nor is this to discount the role of Revelation. It may be tempting to say, that since the laws found Scripture are to be trusted, Positive Law should directly reflect this Natural Law, and as such nothing in society is law unless it conforms to this concern. However to this we would appeal to Locke's treatment of the separation of Church and State. Christ had brought the Gospel of Law, which he argued was to be separate from the Messianic political ruler awaited by the Jews. Rather, Christ sets his two domains, and Locke thus sees in Romans 13 a mandate confirming a real authority (for Christ determined that Governments should have their role) and a duty (wrath for the evildoer, which society determines through the functions of its constituted form). Yet to take the Law of Gospel, the Revelation of perfect Law as exhibited fully in Christ, and to deposit it over culture, is to place Jesus as Ruler ahead of his second coming. For no one has innate principles in which he can render a perfect hermeneutic, and to claim otherwise is to claim such innateness (such as the role of tradition in the Catholic church or the inner Spirit

among the Quakers). As such, what is meant by placing Jesus as Ruler ahead of his time is this: Only can Jesus, the very embodiment of the Law and Perfection, be the one who, having perfectly fulfilled the Law of Nature (which is moral), rule in a manner where positive law and natural law are one and the same.

For only Jesus Christ can claim innate knowledge of truth and morality, as exhibited in His relation to the Father, His Deity, and His example. For the Natural Law theorists to then deposit, if some do, that a law of society is only a law if it directly reflects Natural Law is to lay claim to innateness of knowledge. It is to this Locke hotly rejects, as seen in this paper's emphasis on religion, law, and morality as they relate to innate ideas. For such is the source of much strife, laziness, and suffering. In addition, it robs Jesus of his correct role. It places man in the position Christ claimed for himself in the second coming. Man is simply left to acknowledge the two domains of state and church casted by Christ and their associated duties evidenced in Paul's Epistles. The State for Locke has both a real positive law in the sense of the legal positivists, and a moral accountability of this law in the sense that we scrutinize whether it is good or bad as it conforms to Reason and Revelation.

### **Locke on Religion, Law, Morality as They Pertain to the State**

This investigation of religion, law, morality and the state began by first examining Locke's historical and personal background. An emphasis was placed on the forces which influenced him, and which he wrote in response to. Then the basics of Locke's thought were examined, emphasizing in particular his epistemology and his social contract theory. With such bindings in place, an investigation of Locke's thought in more detail must begin. Regarding Locke's views on religion, it is important to note that he is, first and foremost, a Christian

providing a political theology relevant to immediate concerns he experienced. To comprehend Locke on religion, his meaning of 'understanding' must first be defined. It is noted that he established reason as the source for knowledge, and how it works within God's revelation, not over it. For Locke, Christianity was rational not because he determined it to be, but because God, who devised both the light of reason and the light of Revelation, is its author. One cannot place reason above the author, for to do so places the reasoner above God, and this was hardly Locke's aim. Rather, Locke noted that with reason divined in conjunction with revelation, one may proceed to what is meant by revelation. In this was mentioned natural revelation and Locke's reliance on the cosmological argument, as well as the nature of Revelation. Scripture and Faith played important roles for Locke, and on the assumption Revelation from a Perfect God would not lie contrary to Reason, we find him insistent on using Scripture as authoritative. Such ideas on innate knowledge, reason, revelation and religion would then have implications on Locke's morality and law.

From Locke's morality we find a continuation of the themes of rejecting innate knowledge in favor of reason. Locke provides three such devices for determining the morality of matters. First among these was a mathematical precision of true morality, which for Locke could be demonstrated as numbers were added and multiplied. In addition Locke provides an interesting Christian hedonism, which in a basic form states that pain and pleasure are to be considered good in a sense sobered by the ramifications of God and Eternal Life (an act that causes simple pleasure here is outweighed in this ethic by the ramifications of suffering entailed in judgment). For Locke, as for many Christian ethicists, the reality of eternal life and punishment underscores the reasonableness of an Ethical life. In addition was noted a third point, in which will be reexamined, which argued for the demonstrability of morality. The discussion

on the issue of liberty was concluded and would later underscore the possibility of creating real law, which stood to be critiqued in relation to this morality.

With Locke's views on Religion and Morality established, we proceed to the third argument for morality, which encompasses the treatment provided on Locke's view of Law. The nature of natural law was discussed in its relation to reason, morality, and Scripture. The rejection of innate knowledge reared its head in the discussion of religion in society, which was then treated as it relates to the separate roles of Church and State. With such a separation established, the role and duty of the state was explored in light to the Lockean concepts of religion, morality, and law already explored.

Locke's ideas of religion, law, and morality aid in understanding what is meant by a 'State' and its relationship to the nature of positive laws, including whether it is possible to both affirm positive laws as real legal entities derived from within systems, and to lay claim to them as having a duty to be moral which thus allows moral scrutiny of the law. This adventure proved quite fruitful, for we have learned that Locke was neither fully a Natural Law theorist, nor a Legal Positivist in his explanations. Rather, he was somewhat in-between; to be best focused on emphasizing Natural Rights as they bridge both concepts.

### **Conclusion: Locke on Religion, Morality, Law, and State as They Pertain to Jurisprudence**

It appears that Natural Law as Jurisprudence exists in the state of nature. Yet, when it comes to the arrival of civil government and the social contract, does the resulting government lead to legal positivism? Could then the two co-exist, where both natural law and legal positivism are concepts in a sense related, as opposed, to one another? With the State of Nature having had Law in the way understood by the Natural Law theorists, and the Social Contracted

Civil Society containing Law in the way understood by the legal Positivists? For Locke, God created humans, and as such the Creator asserts a right over his created. God has the right to claim these laws of nature as real laws, which are above man by nature of his created status. With God creating man in His image, we find man's uncanny ability to be co-creators in a sense. Man does not create the State of Nature, or the Law of Nature, or his Divine Purpose. However, equipped with this ability to create, Man does contract into society and create civil governments (which are called States throughout). In Scripture God creates real obligations through Covenants and it is of interest to find in His image man creating covenants/contracts in the social theorists idea. Nor is this simply an endeavor of man absent of God, for Christ seems to commission the separation of church and state where he claims to 'give to Caesar what is his,' as well as to remind us the fusion of the two will not come until his second return. As such, man seems in this period to be responsible for contracting/creating his government/state. This is quite similar for Baptists, for traditional Baptist ecclesiology has long stated that what makes a church is the covenanting of believers. Is it then surprising for one of Baptist ecclesiology to find that the State is created in a fashion similar to covenants? Could the Social Contract simply be a distant cousin to the Baptist ecclesiological church of a Social Covenant? Christ seemed to affirm this separation. It would then be interesting that these two will fuse on Christ's return, but until then both have their proper functions. For a human law to then be valid in a State, all that is needed is the method devised for the creation of law as determined when society covenants a government. The validity of laws is then rightly to be called valid if they conform to this 'Constitution' formed out of the contract. The Law of Nature, and the Law of the Gospel, then stand in their relation to, and hierarchy above, the State and the Church. The church may appeal to the law of nature, for it is simply that which is reasonable, and revelation is pure in its reason

and morality. With a denial of the innateness of principles and ideas, the church can then confirm its ecclesiology and practice to such principles. The State then also relates to Natural law in a relational sense. It constitutes the legal system in which positive laws are to be produced, yet they are to be appealed to the natural law and revelation (morality) in an effort to critique and reform them. The conflict between legal positivism and natural law seems slightly assuaged. Perhaps the two are not to be seen as paradoxical, but as relational, in terms that make it possible to refer to positive law as 'law', and to refer to it as needing to conform to what is moral (natural law). Yet it still retains its real status on the very basis of that Natural Law, as seen in natural rights, which lead to the Social Contract, and the covenanting of a real society that steps outside of the state of nature. Above all this is the reminder of Locke's rejection of innate principles and ideas, which coincide with a fullness of Jesus as the Messianic King who will return in glory and power. For anyone to claim an innate knowledge of whether a law in government is a law of nature seems to rob this Positive/Natural relation, as well as take a role only Christ rightly can claim. For in his return will come the one who not only holds full innate knowledge of truth and whose very innateness stretched into an innate union with the Father. This no other man can claim. Nor can they claim like Jesus, that they will one day bring Church and State into unison under his rule. "He is the image of the invisible God, the firstborn over all creation; because by Him everything was created in heaven and on earth, the visible and invisible, whether thrones or dominions or rulers or authorities – all things have been created through Him and for Him...For God was pleased to have all His fullness dwell in him, and through Him to reconcile everything to Himself by making peace through the blood of His cross – whether things on earth or things in heaven," (Col 1:15-16; 19-20).

## Bibliography

- Cockburn, Catherine. *A Defense of the Essay of Human Understanding*, London, 1702:
- Curtis, Michael. *The Great Political Theories*. Volume 1. HarperCollins, New York, 1981: 359.
- Dunn, J. "From applied theology to social analysis: the break between John Locke and the Scottish Enlightenment," in Istvan Hort and Michael Ignatieff (eds), *Wealth and Virtue*, Cambridge: CUP, 1983, 129
- Edwards, Jonathan. *The Socinian Creed; or, A Brief Account of the Professed Tenents and Doctrines of the Foreign and English Socinians. Wherein Is Shew'd the Tendency of Them To Irreligion and Atheism. With Proper Antidotes against Them*, London, J. Robinson, 1697.
- Gough, J. W. *John Locke's Political Philosophy, Eight Studies*. Oxford, 1950.
- Jefferson, Thomas. *Thomas Jefferson to John Trumbull (1756-1843)*. Library of Congress, < <http://www.loc.gov/exhibits/treasures/trm033.html> >.
- Laslett, Peter. *John Locke, Two Treatises of Government*. Cambridge, 1970: 16.
- Leyden, Von. *Locke's Essays on the Law of Nature*. Oxford, Clarendon Press, 1954
- Locke, John. *An Essay Concerning Human Understanding*, ed, Peter H. Nidditch, Oxford: Clarendon Press, 1974: I.i.2.
- \_\_\_\_\_. *Second Treatise of Civil Government*, in *Works*, eleventh edition, 1812
- \_\_\_\_\_. *The Reasonableness of Christianity*, in *Works*, eleventh edition, 1812
- \_\_\_\_\_. *Of Civil Government*, in *Works*, eleventh edition, 1812
- \_\_\_\_\_. *Letter Concerning Toleration*, in *Works*, eleventh edition, 1812
- Lowde, James. *A Discourse concerning the Nature of Man, Both in his Natural and Political Capacity: Both As He Is a Rational Creature, and Member of a Civil Society. With an Examination of Some of Mr. Hobb's Opinion relating Hereunto*, London: T. Warren for W. Kittilby, 1694.
- Lutz, Donald S. "The Relative Importance of European Writers on Late Eighteenth Century American Political Thought." *American Political Science Review* (1984): 189-97.
- Mitchell, Joshua. *Not by Reason*. University of Chicago Press, Chicago, 1993.
- Moehlman, Conrad H. "The Baptists Revise John Locke," *JSTOR: The Journal of Religion*, Vol. 18, No. 2, April. 1938: 174-182.
- Nelson, Brian. *Western Political Thought From Socrates to the Age of Ideology*. Prentice Hall, Jew Jersey, 1996.

Sell, Alan. *John Locke and the Eighteenth-Century Divines*. University of Wales Press, Cardiff, 1997.

Wolterstorff, Nicholas. "John Locke's Epistemological Piety: Reason is the Candle of the Lord," *Faith and Philosophy*, XI, no.4, October 1994, 575-91

Yolton, John. *John Locke and the Way of Ideas*. Oxford: Clarendon Press, 1956.